

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANNIRUDH DUDDALA,

Plaintiff,

v.

THALES AVIONICS, INC.,

Defendant.

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CIVIL ACTION NO. 13-6059 (MLC)

MEMORANDUM OPINION

THE PLAINTIFF brought this action in state court to recover damages for employment discrimination in violation of federal law (“Federal Claims”) and state law (“State Claims”). (See, e.g., dkt. entry no. 1-1, Compl.) The employer defendant removed the action by asserting that the Court had subject-matter jurisdiction pursuant to 28 U.S.C. § 1331 only. (See dkt. entry no. 1, Notice of Removal at 2-3; see also dkt. entry no. 13, Def. Br. at 2 (stating “[o]n the basis of Plaintiff’s federal claims, . . . Defendant removed the case to the District Court for the District of New Jersey”).) The Court then ordered the parties to show cause why, inter alia, certain Federal Claims should not be dismissed. (See dkt. entry no. 10, 4-24-14 Order to Show Cause at 5.)

THE PLAINTIFF, in response to the Order to Show Cause, withdraws all Federal Claims and seeks remand of this action. (See dkt. entry no. 12, Pl. Br. at 1-3; see also dkt. entry no. 14, Pl. Reply Br. at 2.) The defendant does not oppose remand. (See generally

Def. Br.) Therefore, the Court will (1) dismiss the Federal Claims, and (2) remand the action insofar as it concerns the State Claims. See 28 U.S.C. § 1367(c)(3) (authorizing district court to decline to exercise supplemental jurisdiction over claim if all claims over which there was original jurisdiction have been dismissed).

THE DEFENDANT asks for an award of costs. (See Def. Br. at 5.) See 28 U.S.C. § 1447(c) (stating order remanding case may require payment of costs and expenses incurred due to removal). Under the circumstances of this action, the Court will exercise the “broad discretion” to deny that request. Mints v. Educ. Testing Serv., 99 F.3d 1253, 1260 (3d Cir. 1996).

FOR GOOD CAUSE APPEARING, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: May 29, 2014